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AUTHOR Smith, Joshua L.
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ABSTRACT

A brief history is provided of the efforts undertaken in California to devise alternatives to the current rules concerning credentials, tenures, and evaluation for faculty and administrators, along with a comparison of the recommendations emanating from two legislatively mandated studies of these issues. First, historical background is presented on the state's long-time interest in the possibility of replacing credentials with some other system of minimum qualifications and on the more recent concern with tenure and review standards. Next, the different mandates and perspectives of the two studies are discussed, and it is noted that the report of the Chancellor's Task Force on Faculty and Administrators resulted from debate and consensus building among community college officials with expertise in employment matters, while the reports prepared by Berman, Weiler Associates were based on analytical studies conducted by a consultant outside of the community college system. Next, the recommendations from the two reports are presented side by side, illustrating that both recommend a new system in which: (1) the present credential statutes are repealed; (2) the Board of Governors adopts regulations on minimum employment qualifications which districts are then responsible for applying; (3) a substantially higher level of involvement is assumed by faculty in hiring, evaluation, and tenure decisions; and (4) the probationary period before tenure is lengthened to 4 years. Significant differences between the reports are also discussed. Finally, the continuing efforts of the Task Force to refine and complete its recommendations are reviewed. (AYC)

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Board of Governors of the
California Community Colleges
May 28-29, 1987

NEW STANDARDS FOR FACULTY AND ADMINISTRATOR EMPLOYMENT

5

For Information

Dr. Joshua L. Smith, Chancellor

JC 870 207

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Board of Governors of the
California Community Colleges
May 28-29, 1987

NEW STANDARDS FOR FACULTY AND ADMINISTRATOR EMPLOYMENT 5

For Information

Summary

Two efforts to devise alternatives to the current rules concerning credentials, tenure, and evaluation for faculty and administrators have recently culminated in reports. The Task Force on Faculty and Administrators submitted a preliminary report to the Legislature in response to the requirements of AB 3409, which in turn was prompted by the reform reports of the Commission for the Review of the Master Plan for higher education and the Joint Committee for Review of the Master Plan for Higher Education. Berman, Weiler Associates submitted two reports to the Chancellor. One report, in response to the requirements of AB 189 which placed a sunset on the present credential application fee has also been transmitted to the Legislature. The other report was prepared in conjunction with the tenure and standards of review issues that were particular concerns of AB 3409.

The possibility of replacing credentials with some other system of minimum qualifications has been discussed since community college credentials were first established. Tenure and review standards have become significant issues somewhat more recently. This item presents a brief history leading to the Task Force and Berman-Weiler reports. Although the issues are the same, the two efforts were undertaken from different perspectives: the Berman-Weiler reports were analytical studies conducted by a consultant outside of the community college system, while the report of the Task Force on Faculty and Administrators was essentially the result of a debate and consensus-building among community college officials with expertise in employment matters.

Important recommendations from the reports are displayed side by side in this item. Both reports recommend a new system in which: (1) present credentials statutes are repealed; (2) the Board of Governors adopts regulations on minimum employment qualifications which districts are then responsible for applying; (3) a substantially higher level of involvement than at present is assumed by faculty in hiring,

evaluation, and tenure decisions; and (4) the probationary period before tenure is lengthened to four years. Significant differences between the two sets of recommendations are discussed: the Task Force report emphasizes local control with mandated faculty involvement, while the Berman-Weiler report emphasizes state supervision; the Task Force would accept an associate degree as meeting minimum hiring qualifications in some fields, while Berman-Weiler would always require a bachelor's; the Task Force report would make significant changes in "retreat rights" for administrators, which are left virtually intact in Berman-Weiler; and the Berman-Weiler report contains substantially elaborated recommendations for post-tenure evaluations and nontenure track positions which are not addressed in the Task Force report.

The continuing efforts of the Task Force to refine and complete its recommendations, and translate them into amendments to AB 1725, the major community college reform bill authored by the Joint Committee, are discussed. The substantial workload implications for the Board and Chancellor's Office, and for the community college districts, are outlined. The Chancellor's Office would have dramatically increased short-term workload in its Legal Office, would need to be provided with positions and operating budget for a greatly expanded affirmative action function, and would need to request an Employment Practices Administrator for new long-term workload. The districts would need resources to provide training and release time for faculty to participate fully in the new processes.

The displays of recommendations in this item are not complete, and cannot substitute for a review of the actual recommendations as prepared by Berman-Weiler and the Task Force.

Staff Presentation: *Dr. Joshua L. Smith*
Chancellor

Background and Process

Historical Background

When the Board of Governors was created in 1968, one of its initially assigned responsibilities was to "establish minimum standards for employment of academic and administrative staff in community colleges" (ECS 71068). Its theoretical authority in this area, however, has been clouded. The Legislature has always prescribed credentials for community college instructors and in 1969 adopted a separate credential structure for community colleges, modeled generally after K-12 credentials but far less specific regarding educational preparation. The Board was required to administer credentials; in 1970 it adopted implementing regulations and set up a Credentials Unit in the Chancellor's Office.

The Credentials Unit had always been required by law to be self-supporting. In 1979, with the unit running into financial difficulties, some members of the Board of Governors questioned whether continuation of credentials was necessary. At the Board's request, the Chancellor appointed a broad-based advisory committee, and with this committee's help, staff prepared a report for the Board's February 1980 meeting. There was substantial support from the field for retaining credentials, and the staff report, after examining seven alternatives, recommended that the Board stay with the status quo; i.e., the existing credentials system. The alternative of having the Board set statewide minimum qualifications which districts would then be responsible for following, without a credential document, was rejected largely because of unknown, possibly adverse effects on collective bargaining, tenure, salaries and benefits, and other circumstances for which "certificated" personnel are defined. The status quo was defended as effective, equitable, and relatively inexpensive for the districts and the applicants.

However, the Credentials Unit had become more costly to operate. The application fee had been $20 since the unit's creation, but the Board sponsored a bill in 1980 to raise it to $30. This bill passed into law without the Governor's signature, with a sunset provision a year ahead, and with a requirement that the Legislative Analyst report on the alternatives to credentials and whether community college credentials should be continued.

In his 1981-82 *Analysis of the Budget Bill*, the Legislative Analyst reported that "We were unable to uncover any analytical justification for continuing the current credentials process. Specifically, our analysis indicates that there is no evidence that districts would not have made the same decisions on applicants as the state credentials office made." Nevertheless, another bill authored by Assemblyman Floyd in 1981 extended the $30 fee another three-and-a-half years, with a July 1, 1985, sunset.

By the summer of 1985, there was a backlog of four months or longer in processing credentials applications, due to heavy volume and increased costs. The Chancellor's Office sponsored a bill which would raise the maximum fee authority to $40, to keep the Credentials Unit self-supporting. By this time the Commission for the Review of the Master Plan for Higher Education had been in existence for over a year, and the possibility of eliminating credentials as part of an overall community college reform act could be foreseen by the imaginative. Several members of the Assembly Ways and Means Committee, including Chairman John Vasconcellos, challenged the sponsored bill. Toward the end of the summer, a compromise was struck to authorize a $40 fee until December 31, 1987 (after which the amount would revert to $25), and require the Chancellor's Office to perform a study of alternatives to the current credentials system and report its findings by February 1987. That compromise was embodied in AB 189 (Klehs), Chapter 1412 of the Statutes of 1985.

A number of different systemic problems have been identified with the current credentialing system. The Master Plan Review Commission called it "unnecessarily rigid, cumbersome, and unsuited to the academic rigor of postsecondary institutions." The Chancellor's response to the Commission, *A Call to Reform* (April 1986), referred to credentials as "archaic," and the Board, through its Basic Agenda, has endorsed the efforts to replace credentials. From the viewpoint of many faculty organizations, the credentials system is riddled with loopholes which make it subject to abuse and prevent it from ensuring any meaningful quality control. A major study of community colleges in 1985 by the California Business Round Table suggested that the continuance of teaching credentials is a factor in the public's perception of the system as an extension of K-12, rather than a fully accepted member of the state's higher education system.

The Master Plan Review Commission released its community college reassessment study, *The Challenge of Change*, in March 1986. Recommendations 34 and 35 declared that the Legislature should delete all existing credential statutes, and that the Board of Governors should be authorized, in consultation with faculty, to establish qualifications for employment of faculty and administrators, and require peer involvement in hiring. Meanwhile, the Joint Committee on Review of the Master Plan for Higher Education (the legislative committee to which the Commission submits its reports) had hired its own staff, conducted its own hearings, and begun issuing draft reports of its own. The Joint Committee's January 7, 1987, *Final Report: Community College Reform* urged, in recommendations 43 and 44, that the existing credentials system be deleted and that the Chancellor convene a "Task Force on Faculty and Administrators" with a representative composition, to determine a new system of minimum qualifications.

As it became apparent that major community college reform legislation was not going to pass in 1986, Assemblyman Hayden (chair of the Assembly Subcommittee on Higher Education, and a member of the Joint Committee) placed several Joint Committee draft recommendations that called for research and/or task force work into a bill, AB 3409. The bill was designed to keep up the momentum of the reform

reports and lay the groundwork for major 1987 legislation. AB 3409 was passed by the Legislature August 28 and signed by the Governor September 30, 1986. It contained an appropriation for $525,000, reduced by the Governor to $250,000, for three major projects: the Chancellor's Office was to study the feasibility of implementing a statewide system of educational and fiscal community college accountability reports; a finance task force was to design a new community college funding mechanism; and a faculty and administrator task force was to work on replacing credentials and other employment issues.

Two Mandates, Two Processes

AB 189 contained a fairly straightforward charge. The Chancellor was directed to "conduct a study, and report the results of the study to the Legislature no later than February 15, 1987, regarding the necessity of maintaining the credentialing requirements . . . of the Education Code." In addition, the bill asked the Chancellor to submit proposals for "the legislative amendment, repeal, or reenactment of appropriate provisions of the Education Code relating to the subject of this act." In other words, the study was to include draft language for a credentials repeal bill.

The mandate in AB 3409 was more involved. The Chancellor was required to convene a task force of eleven members, with a geographically and ethnically representative composition, and with faculty comprising a majority of the members. This task force was to prepare: a) proposals on faculty and administrator qualifications; b) proposals on hiring, evaluation, and retention consistent with the Master Plan Commission's and the Joint Committee's reports; c) recommendations on different qualifications for vocational and academic programs; and d) proposals for transition to the new system. The Task Force was to submit "preliminary recommendations" by March 15, 1987, and thereafter continue to advise the Joint Committee until September 30.

A contract was awarded for the AB 189 credentials study to Berman, Weiler Associates, a firm that had prepared a massive study of community colleges for the California [Business] Roundtable in 1985. Berman-Weiler began work on their AB 189 contract in the fall of 1986, about the time the Chancellor was making the required appointments to the AB 3409 Task Force on Faculty and Administrators. Staff realized that through a coincidence of timing and subject matter, Berman-Weiler was in a unique position to supply needed research and staff work for the AB 3409 task force. This arrangement was proposed to the Task Force at its initial meeting on December 5, 1986, and, with its agreement, a sole source contract was let for Berman-Weiler to expand their credentials project into the areas of hiring, peer review, and retention.

The relationship between the Berman-Weiler study and the AB 3409 Task Force on Faculty and Administrators was that the Task Force served as an advisory group to the Berman-Weiler study (which was to be submitted to the Chancellor), while the

Berman-Weiler research materials and presentations supplied factual background and an outline of alternatives useful in the Task Force's deliberations. However, it soon became apparent that the Task Force needed a report writer who would be directly responsible to the Task Force members. For this purpose, another contract was let to Thompson-Landsberger, a partnership whose members have experience in community college administration and employment law. Peter Landsberger did the actual writing, starting in February 1987. The result was that the two reports addressed different audiences and used basically different processes: the Berman-Weiler report was prepared for the Chancellor's Office and takes the viewpoint of an expert consultant firm looking at community colleges analytically from outside the system. The report of the Task Force on Faculty and Administrators was submitted directly to the Legislature (as required by AB 3409) and was essentially the product of a consensus-building process among faculty and administrator practitioners within the community college system.

The Berman-Weiler study employed a review of state and national literature, and a close analysis of current laws, regulations and administrative practices. Project staff conducted telephone interviews with a variety of community college observers. Key faculty and administrators at every college and district were surveyed by mail, and telephone interviews were conducted with officials in all other states and at national and regional organizations.

The Task Force process relied on a series of meetings, which still continue. The Task Force met:

December 5
December 19 (with Berman-Weiler)
January 8-9 (with Berman-Weiler on the 9th)
January 16
January 23 (with Berman-Weiler)
February 6 (with Berman-Weiler)
February 18
February 23-24 (with Berman-Weiler on the 24th)
March 6
March 18
April 23

An additional meeting was scheduled for May 14. The Task Force plans to hold several additional meetings before June 30 to continue clarifying intricate or unresolved issues.

The members of the Task Force and the organizations they represent are listed in Appendix A.

The Task Force Report and AB 1725 Amendments

The Chancellor wrote to the author of AB 189, Assemblyman Klehs, in December 1986, requesting an extension of the February 15 due date of the credentials study, so as to allow Berman-Weiler to continue consulting with the Task Force, which was on a different calendar track for issuance of its report (due in March). This extension was agreed to, but subsequently the Task Force itself received a brief extension, presenting its report on April 1, 1987.

A meeting of the Joint Committee for Review of the Master Plan was held and the committee formally voted to receive the Task Force's recommendations and incorporate them into its reform vehicle, AB 1725 (introduced March 5) as amendments. This vote did not signify endorsement of the specific contents of the recommendations, simply their adoption into AB 1725 for the sake of discussion. Because the Task Force's report had not been transmitted in advance, discussion of its contents was limited at the April 1 hearing, but several Joint Committee members expressed a sense of the importance of strong affirmative action measures. Task Force Chair Cy Gulassa stressed the preliminary nature of the report and the need for the Task Force to keep working on several issues.

After having been transmitted to key legislators, the Task Force's report was sent to all presidents of local governing boards, all chief executive officers, all presidents of local academic senates, all presidents of local faculty bargaining agents, and representatives of related organizations. Joint Committee staff delivered the report to Legislative Counsel to be translated into bill language.

Directly following the Task Force's report, Berman-Weiler submitted two studies to the Chancellor's Office: *Strengthening Standards for Community College Instruction* (the AB 189 study of credentials and minimum qualifications), and *Strengthening the Community College Personnel System* (the supplementary AB 3409 report on tenure and evaluation). Berman-Weiler also made available an Executive Summary applicable to both studies. *Strengthening Standards for Community College Instruction* has been transmitted to the Legislature in fulfillment of the requirements of AB 189.

The amendments which Legislative Counsel had prepared, based on the Task Force's report, were introduced into AB 1725 on April 21, and on April 23 the Task Force met and discussed them. There was concern about mistranslation of some of the Task Force's intentions. In particular, the Task Force's recommendation that a bachelor's degree be a minimum requirement for tenure had not been understood, and where "concurrence of the academic senate" had been specified in the Task Force's report, the bill amendments required "consultation," or in the case of exemptions to the normal minimum qualifications, a committee process had been included that was not of the Task Force's devising. The Task Force, with the cooperation of Joint Committee staff, will be asking for further changes in these and

other provisions of AB 1725 to more accurately reflect the Task Force's recommendations.

The Recommendations

A Note About the Comparisons

In the displays that follow, essential recommendations of the Task Force on Faculty and Administrators and the Berman-Weiler reports are compared. The juxtaposition of these different perspectives is intended to help the reader understand them both, but an extremely important caution is required: the recommendations have been drastically condensed for the displays. Because of the omission of qualifying and explaining words, the highly selective nature of the comparisons (some recommendations are not included), and the omission of intermediary text, the displays can serve only to point out differences and similarities between the two sets of recommendations and not to accurately characterize either set in its own right. Also, note that the displays are based on the Task Force and Berman-Weiler reports as printed; changes that were made when Legislative Counsel translated the Task Force Report into bill language, and changes the Task Force may make in its own preliminary recommendations, are not reflected.

COMPARISON OF RECOMMENDATIONS REGARDING MINIMUM QUALIFICATIONS

Report of the Task Force on Faculty and Administrators	Berman-Weiler Report
Who Should Establish Minimum Qualifications?	
Credentials should be abolished as of January 1, 1989; Legislature, by statute, should direct Board of Governors to adopt Title 5 regulations that conform with Task Force recommendations.	Credentials should be abolished as of January 1, 1989; Board of Governors should adopt Title 5 regulations.
Who Should Advise the Board of Governors?	
In initially promulgating, Board of Governors should rely on Academic Senate for faculty, ACCCA for administrators. For periodically reviewing, Board of Governors should convene a representative group of faculty, administrators, and trustees, with a majority of faculty.	Legislature should direct Board of Governors to promptly appoint a Professional Standards Advisory Commission (PSAC) of administrators and faculty, with a majority of faculty, which would meet at its own discretion or upon Board of Governors' request.
What Should be the Minimum Qualifications for Faculty?	
1) For any field in which a master's is generally expected or available: a) master's in discipline of teaching assignment; **or** b) master's in reasonably related discipline and bachelor's in discipline of teaching assignment. 2) For fields in which master's is not generally expected or available (especially trade and industrial): a) bachelor's in reasonably related discipline and two years experience and license to work (if applicable) **or** b) associate degree in reasonably related discipline and 12 semester units upper division work and six years experience and license to work (if applicable).	Establishment of Minimum Qualifications left to Board of Governors. Suggestions offered: 1) For fields where master's is offered: master's and needed experience. 2) For fields where master's not offered: a) generally accepted standard, but not lower than bachelor's, and needed experience **or** b) if bachelor's in area of teaching assignment is offered by fewer than seven California colleges, bachelor's in related area. 3) State-required license to work (if applicable).

Report of the Task Force on Faculty and Administrators	Berman-Weiler Report
How Should "Related Disciplines" be Defined?	
Board of Governors defines disciplines and determines where master's is "generally expected or available." Board of Governors relies principally on advice of Academic Senate, which in turn must incorporate advice of unions and administrators' organizations.	Board of Governors defines disciplines, relying on advice of PSAC. Chancellor's Office publishes list of available master's and bachelor's programs.
What Should be the Minimum Qualifcations for Administrators?	
Statewide minimum qualifications only for administrators with direct role in instructional or student services programs: Master's (any field), and four years full-time service, and one year formal training, internship, or leadership related to area of assignment.	Statewide minimum qualifications only for administrators with direct responsibility for instruction: Master's degree, and four years community college teaching experience in area of assignment.
What Exemptions to Minimum Qualifications Should be Allowed?	
Board of Governors' regulations should enable districts to employ competent persons who do not meet statewide minimum qualifications via a local process. For faculty, process must include concurrence of tenured faculty in affected department, and academic senate. For administrators, process must include concurrence of academic senate and faculty union.	Board of Governors' regulations should enable districts to employ faculty or administrators who do not meet statewide minimum qualifications, if they meet equivalent standards. Board of Governors, with advice from PSAC, should develop guidelines for equivalent standards.
No separate exemptions for part-timers.	Board of Governors, with advice from PSAC, should adopt regulations for waivers of regular minimum qualifications for a percentage of part-timers. Percentage of waivers should be reduced each year until eliminated June 30, 1992. Suggested for waiver standards: 1) for academic fields, counselors, student services, etc. -- bachelor's with minor in area of assignment. 2) for vocational fields -- high school diploma and six years experience.

Report of the Task Force on Faculty and Administrators	Berman-Weiler Report
How Should Grandfathering be Handled?	
Board of Governors' regulations should grandfather, in their current jobs only, all persons currently employed under fully satisfied instructor, librarian, counselor, student personnel worker, supervisor, or chief administrative officer credentials.	Minimum standards should be considered met for all persons holding instructor, librarian, counselor, student personnel worker, health services, handicapped student programs and services, and general secondary credentials. Current holders of "partial fulfillment" credentials should have three years to complete present full credential requirements and then be grandfathered. Minimum standards should be considered met only for administrators currently employed. Board of Governors, with advice from PSAC, should map old credential subject matters to new list of disciplines.
How Should Accountability be Maintained?	
Compliance should be monitored by any or all of: 1) regular contracted annual district audits; 2) accreditation review; 3) special audits for the Board of Governors by teams of community college professionals. Board of Governors should devise appropriate sanctions, but not withhold apportionment.	Chancellor's Office should distribute forms for every district to keep records. Compliance should be monitored by regular contracted annual audits and special audits every three to five years. Apportionment should be withheld for noncompliance after a warning. Board of Governors, upon advice of PSAC, should place a cap on number of exemptions to statewide minimum qualifications. Board of Governors should report to Legislature on implementation progress in time for budget hearings of 1988, 1989, 1990, and 1991. Reports should be reviewed by Legislative Analyst.

COMPARISON OF RECOMMENDATIONS REGARDING HIRING

Report of the Task Force on Faculty and Administrators	Berman-Weiler Report
Who Should Define the Hiring Process?	
Hiring process should be locally defined and should require joint, cooperative exercise of responsibility by faculty, administrators, and local boards.	Legislature should authorize Board of Governors, with advice from PSAC, to adopt regulations on faculty participation in hiring of faculty and division-level deans.
What Hiring Criteria Should be Applied?	
Criteria should probe: a) for faculty -- aptitude for teaching or service, **or** for administrators -- training or experience in personnel, planning and budgeting, organizational development, educational law, curriculum development. b) acceptance of ethnic diversity. c) proficiency in English.	No comparable recommendations.
How Should the Hiring Process Work?	
Process should include: a) thoughtful planning and adequate search time; most hires made during regular academic year, b) complete job descriptions vetted for affirmative action compliance, c) training in affirmative action and participation by affirmative action representatives, d) for faculty -- expectation that faculty hiring recommendations are normally followed, except for compelling, well-communicated reasons, **or** for administrators -- expectation that representatives of faculty and other employees participate effectively in all phases.	Suggestions: a) for faculty, review committee should include at least two tenured faculty from affected department. Committee should report acceptable candidates to administration, with ranking optional. Administration could not hire a person disapproved by committee. b) for division-level deans, joint faculty-administration committee should search, but all-faculty committee should evaluate and report acceptable candidates to administration. Administration could not hire a person disapproved by committee.

Report of the Task Force on Faculty and Administrators	Berman-Weiler Report
What Help Should the State Provide?	
State should provide stable and sufficient college funding to make hiring process effective. Chancellor's Office should greatly expand affirmative action function to provide recruitment and assistance in hiring process.	Chancellor's Office should maintain list of faculty willing to serve as cross-college hiring reviewers. Outside reviewer would only be used if administration and academic senate agreed.

COMPARISON OF RECOMMENDATIONS REGARDING EVALUATION

Report of the Task Force on Faculty and Administrators	Berman-Weiler Report
What Should be the Frequency of Evaluation?	
At least every three years for part-timers, every three years for tenured faculty, every year for probationary faculty.	Every year for probationary faculty, every four years for tenured faculty.
Who Should Determine the Evaluation Procedures?	
Evaluation procedures should be locally bargained. Union and academic senate should work together.	Legislature should authorize the Board of Governors, with advice from PSAC, to adopt general regulations on evaluation; specific procedures would be decided locally.
What Procedures Should be Used?	
All procedures should include student evaluations. Other suggestions: a) professional authority of academic senate should be recognized. b) procedures should encourage joint and cooperative responsibility by faculty, administration, and trustees. c) evaluation should be linked to staff development.	Suggestions: a) peer review should be by committee of all faculty or faculty and administrators. Findings should be reported for administration's review. b) review committee faculty members should be chosen by academic senate with concurrence of division dean. c) use of student evaluations would be required. d) if post-tenure evaluation reveals deficiencies, and corrections are not forthcoming, dismissal evaluation should be held. Post-tenure expectations should be set by Board of Governors with advice from PSAC. Suggestions: teaching effectiveness, currency in subject area, community service.
How Should Administrators be Evaluated?	
Board of Governors regulations should require local board to adopt written evaluation procedures which include the administrator's co-workers and subordinates, and the academic senate when appropriate	Board of Governors should be authorized to adopt regulations regarding faculty participation in administrator evaluation.

COMPARISON OF RECOMMENDATIONS REGARDING RETENTION

Report of the Task Force on Faculty and Administrators	Berman-Weiler Report
What Should be the Length of Probation?	
Statute should require four complete years of probationary service from date of hire; tenure should not be awarded earlier.	Tenure should normally be decided by March 15 of the fourth academic year of service; but districts should be allowed to award earlier. Board of Governors, with advice from PSAC, should adopt regulations.
What Should be the Standards for Tenure?	
Bachelor's normally required for tenure, even if person was initially hired with associate degree. But tenure may be granted to person not meeting regular minimum qualifications under local process including concurrence of academic senate and tenured faculty of department. Additional criteria should be specified in collective bargaining contract.	Board of Governors, with advice from PSAC, should adopt criteria. Suggestions: teaching effectiveness, knowledge of subject, community service.
What Should be the Process for Tenure Decisions?	
Tenure procedures should be locally bargained. Academic senate and union should work together. Suggestions: a) clear, consistent criteria. b) early mentoring, involvement in college affairs, and sensitivity to ethnic diversity. c) use of tenure review committees comprised mainly of tenured faculty, but including administrators and perhaps students. d) local board should receive recommendations of both administration and faculty, if recommendations differ.	Board of Governors, with advice from PSAC, should adopt principles. Suggestions: a) tenure track should use two one-year contracts followed by one two-year contract. Retention decision should be made by March 15 of years 1, 2 and 4. b) tenure review committee should have at least two faculty from affected department and one from another division. Committee would recommend tenure, dismissal, or non-tenure track appointment; administration could not grant tenure against committee's recommendation.

Report of the Task Force on Faculty and Administrators	Berman-Weiler Report
Should Non-Tenured Positions be Authorized?	
No full-time non-tenure track positions. Because of added flexibility from four-year probation, each district should reduce the share of workload taught by part-timers.	Legislature should authorize Board of Governors to adopt regulations authorizing non-tenure track for part-time or full-time faculty. Board of Governors, with advice from PSAC, would set maximum percentage of workload that could be taught by non-tenure track. Eighty percent of non-tenure track work should be reserved for current part-timers. Districts that reduce part-time workload could increase full-time non-tenure track workload. Full-time non-tenure service would be limited to five years. Non-tenure service could count toward probation for tenure if college later chooses to open tenured position.
How Should Faculty Layoffs be Handled?	
For faculty: issue now being worked on by Task Force.	Legislation should maintain current seniority provisions and add recency of teaching as a "bumping rights" criterion. Legislation should require recency formula to be adopted through bargaining in each district. Each district, through bargaining, should divide curriculum into Instructional Service Areas for bumping purposes.
What Should be the Tenure and Layoff Rules for Administrators?	
Contracts should be authorized up to five years. Absent a contract, administrators should serve at board's pleasure. Retreat rights: a) an administrator should retain faculty tenure if earned in that district. b) a newly-hired administrator should attain layoff retreat rights to a probationary faculty position if:	Administrators should have retreat rights to any disciplines in which they meet faculty minimum qualifications. Presently-employed administrators should retain present retreat rights (according to teaching credentials they hold).

Report of the Task Force on Faculty and Administrators	Berman-Weiler Report
What Should be the Tenure and Layoff Rules for Administrators? (continued)	
1) a decision was made to grant such rights through a locally-bargained process upon hire, and 2) the administrator has three years successful service in the district. Presently-employed administrators should retain present retreat rights (according to teaching areas in which they meet minimum qualifications).	

Notable Points in the Recommendations

Centralized Vs. Local Control

The report of the Task Force is more directive than the Berman-Weiler report in one of its basic underpinnings -- the initial determination of minimum qualifications to replace the current credential system. The difference relates to governance: the Task Force recommends that the Legislature, by statute, require the Board of Governors to adopt regulatory standards that conform to the Task Force's recommendations. (Indeed, the Task Force initially contemplated asking that minimum qualifications be placed directly into statute.) Although, as a result of subsequent reviews or changed conditions, the Board would have the power of changing its regulations, its initial discretion in regard to minimum qualifications would be very limited.

The premise of the Task Force was that determination of the minimum qualifications was its own responsibility, and hence deferred as few substantive initial decisions as possible. The Berman-Weiler report, by contrast, makes only suggestions for minimum qualifications the Board "might consider." Under the Berman-Weiler conception, the Legislature would express its intent that the Board appoint a Professional Standards Advisory Commission (PSAC), with designated composition. The Board would then decide on minimum qualifications, with advice from this commission. In effect, the Task Force assumed for itself the initial role Berman-Weiler assumed for PSAC, but even more forcefully, because the Board is not initially given the option of rejecting or substantially altering the Task Force's recommended minimum qualifications.

This apparent directiveness of the Task Force report, however, changes after the initial adoption of minimum qualifications into a much greater reliance on local processes than contemplated in Berman-Weiler. On point after point, the Berman-Weiler report would require the Board, following advice from PSAC, to promulgate regulations or "guidelines," whereas the Task Force report recommends that local processes (encompassing certain specified minimum elements of collaboration) be used. This difference of emphasis represents the single most notable difference between the two documents. (The Task Force, while predisposed from the start to reduce the present reliance on statute and regulation, was tentatively attracted to the use of statewide "guidelines," but eventually concluded that they would be futile, not having legal force.)

A good example of the difference may be seen in the recommendations on exemptions to the regular statewide minimum qualifications. The Berman-Weiler report recommends that the Board permit districts to hire personnel who meet "equivalent" standards rather than the regular minimum qualifications. The Board, upon advice of PSAC, must promulgate guidelines explaining what "equivalent" standards are,

and also adopt regulations for waivers from the regular minimum qualifications for a percentage of part-time faculty, and then must monitor closely the use of exemptions and waivers, place a cap on exemptions if necessary, and make numerous reports on the matter to the Legislature.

By contrast, the Task Force report recommends that the Board permit districts to employ persons who do not meet regular statewide minimum qualifications as long as a local process that includes the concurrence of the faculty is followed. Although accountability audits would check that the appropriate process has been followed, and "concurrence" has really been obtained, the state would not tell districts what backgrounds such employees must possess, or place controls on district practices; the controls would be at the local level, exercised by faculty. A similar contrast may be seen in the two reports' recommendations on criteria for granting tenure.

The Task Force's reliance on local processes with specified collaborative elements reflects a basic philosophical viewpoint early agreed upon by members and expressed on pages 4-5 of the report:

> Any debate on the reform of the current system of minimum qualifications, hiring procedures, evaluation processes and retention rules necessarily raises the issue of governance. On that issue the Task Force has a very definite position which is reflected throughout this report. Its position is that California's community colleges are best governed through the joint and cooperative exercise of responsibility by faculty, administrators and governing boards, under the state-wide leadership of the Board of Governors of the California Community Colleges. In other words, the community colleges are institutions of higher education and they should have a system of governance that reflects that fact.
>
> Finally, while the Task Force endorses the concept of shared responsibility and authority between the local colleges and state agencies like the Board of Governors, that concept must be effected in a way that fosters cooperation and effective self-governance within the community college system. As a result, in establishing appropriate parameters within which local colleges will operate, the Board of Governors and other state agencies must be careful to exercise their jurisdiction in ways that emphasize leadership over regulation, consultation over prescription, delegation over control, and the creation of incentives over a reliance on sanctions. The Task Force believes no other approach will move the community colleges to a truly higher education model of governance and responsibility.

Other Differences

1. **Minimum Educational Requirements**

The Berman-Weiler report recommends that the regular minimum educational requirements should in no case be lower than a bachelor's degree. For fields in which fewer than seven California institutions offer a bachelor's degree, a bachelor's in a "related area" would be acceptable. (This would require the Chancellor's Office to monitor the number of bachelor's degree programs offered, and make that information available regularly to districts.) The Task Force report, however, would accept an associate degree plus twelve semester units of upper-division coursework as meeting the minimum educational qualifications in fields where a bachelor's is not offered. This recommendation was adopted by the Task Force out of concern that it would be impossible, for many trade and industrial subjects, to locate persons with bachelor's degrees in the specific subject or even in a "related discipline." There was also an affirmative action concern; however, the Task Force report recommends that no one who has not attained a bachelor's degree in some subject (not necessarily a related discipline) should be granted tenure. That recommendation was the result of concern that all community college instructors be able to contribute to raising the level of literacy and general educational competence among students. It means that the trade or industrial instructor hired with an associate degree plus 12 upper-division units is expected, within his or her four years' probation, to complete another 48 units (approximately) and obtain the bachelor's. The college would be required to terminate the instructor at the end of four years if this was not done, unless an exemption to the regular tenure requirements was granted through a local process that entails the concurrence of the academic senate.

2. **Grandfathering**

The Task Force report would grandfather only those instructors, counselors, librarians, student personnel workers, and administrators who are employed at the time the new statute takes effect, and only in their current positions. In other words, their employment would be grandfathered, but not their credentials. (The vast majority, of course, would be able to meet the new minimum qualifications.) The Berman-Weiler report recommends grandfathering of all current fully-satisfied community college credentials, plus the old general secondary credential, as meeting the new minimum qualifications, on the grounds that those credentials were issued for "life." In addition, Berman-Weiler recommends allowing current holders of "partial fulfillment" credentials three years to complete their full credential requirements, and then grandfathering their credentials. The status of "partial fulfillment" credentials is not addressed by the Task Force.

The Task Force report failed to mention grandfathering of health services and handicapped student programs and services credentials. These matters, as well as refinement of the dates used in grandfathering clauses, are on a list of follow-up topics the Task Force plans to address.

3. **Qualifications and Retreat Rights for Administrators**

The Berman-Weiler report recommends that statewide minimum qualifications be established only for administrators with direct responsibility for instruction, whereas the Task Force recommends minimum qualifications for instructional or student services administrators. Berman-Weiler recommends that four years of community college teaching experience in the area of assignment be required, but the Task Force recommends four years of service in an accredited institution, and the Task Force specifically decided not to specify the nature of the service or the institution. However, the Task Force recommends requiring a year of formal training or leadership experience related to the area of assignment (which may run concurrently with the four years of required service).

The difference in recommendations on administrator retreat rights is dramatic. Berman-Weiler recommends continuation of the current practice of allowing administrators, if laid off from their administrative assignment, retreat rights (including the right to "bump" less senior faculty) to teaching positions. Currently-employed administrators would retain retreat rights according to whatever community college teaching credentials they hold; newly-hired administrators would have retreat rights in any disciplines for which they meet the new minimum qualifications. Berman-Weiler does not indicate that an administrator would have to work in a district any specified length of time before acquiring such retreat rights. By contrast, the Task Force report gives an administrator hired from outside the district retreat rights in a discipline for which he or she meets the minimum qualifications only if, upon hire, a decision is taken to grant such rights, through a locally-determined process that includes the concurrence of the faculty in the affected department, and only if the administrator has served three years in the district. Furthermore, after exercising such retreat rights, the administrator would become a probationary, rather than a tenured, faculty member.

4. **Post-Tenure Reviews**

The Berman-Weiler report sets forth a sizeable series of principles regarding how different types of evaluations should be conducted. They are quite specific in contrast to the Task Force's recommendations in this area, which are mainly general expressions of desirable ends. The Berman-Weiler recommendations are cast as suggestions the Board of Governors should consider before adopting regulations. The Task Force's recommendations are cast as elements which should be considered for incorporation into local collective bargaining

agreements. A particular difference is that Berman-Weiler sets forth in some detail a process through which post-tenure evaluations could lead to dismissal. Tenured instructors would be evaluated every four years. If corrections are found to be needed, the instructor is put on notice and re-evaluated in two years. If corrections have not been made, a dismissal evaluation may be held, which would include at least two tenured faculty members from the affected department and one from another division. Berman-Weiler indicates the grounds for dismissal would be "the same as in the existing system." Presumably, this means the process could lead to dismissals for incompetence.

5. **Nontenure Track Positions**

The Task Force report recommends that the percentage of instruction taught by part-time temporary faculty be reduced by an unspecified amount in each district. This would mean the percentage of full-time tenure track instructors would increase. The Task Force saw this as reasonable, because a doubled probationary period would provide districts some of the staffing flexibility they now attain through the use of part-timers.

Berman-Weiler, by contrast, recommended that the Board adopt regulations authorizing some percentage of instruction to be taught by nontenure track part- or full-time faculty. Presumably these regulations would replace current law that prevents persons working less than 60 percent time from gaining tenure, but that is not clear from the language of the recommendation. However, the intent is to allow colleges to designate a certain percentage of full-time positions as non-tenure track, and increase that percentage as they reduce the workload taught by part-time faculty. Berman-Weiler indicates that non-tenure track faculty would be employed on a contract basis, but does not specify whether they could be compensated differently from or otherwise have different working conditions from tenure-track faculty.

6. **Adult Education Teachers**

Under present law, a person can obtain a "certificate of qualification" to teach noncredit courses with either four years of higher education or four years of work experience. Berman-Weiler submitted specific recommendations for new minimum qualifications for such teachers, differentiated according to the type of noncredit course taught. They would require a Bachelor's degree only for teachers of English as a Second Language, elementary and secondary basic skills, and citizenship for immigrants, an associate degree "with an appropriate major" for teachers of the substantially handicapped and older adults, and a high school diploma plus four years work experience for all other categories. The Task Force, however, submitted no recommendation on qualifications for adult education teachers; its report indicates it has not had sufficient opportunity to address the topic, and that further work is needed.

Additional Points in the Task Force's Recommendations

1. **Collegiality**

The Task Force met with representatives of the California State University's Academic Senate and faculty union (the California Faculty Association) on January 23. Task Force members were influenced by a "Statement on Collegial Governance" which was agreed to by the Academic Senate and the chief executives of the campuses of California State University. This statement appeared in the Board of Trustees' agenda of September 17-18, 1985. In part, it reads, "Collegiality consists of a shared decision-making process and a set of values which regard the members of the various university constituencies as essential for the success of the academic enterprise. . . . The governing board, through its administrative officers, makes sure that there is continual consultation with appropriate faculty representatives on [admission and degree requirements, curriculum, professional standards, etc.] Faculty recommendations are normally accepted, except in rare instances and for compelling reasons." This hopeful language finds echoes both in the Task Force's statement of principles and in specific recommendations, as on hiring decisions.

2. **Pedagogical Training**

Under present law, persons with less than a master's degree must have certain courses in educational theory and practice to receive a regular Instructor Credential. The Task Force felt there was little sense in such a requirement's being applied primarily in vocational fields and not academic fields. The Task Force considered recommending pedagogical training for all instructors, but decided eventually to eliminate that requirement in regard to initial hire, and instead place emphasis on early mentoring and staff development efforts during the probationary period. The Task Force considered that some community college instructors might know little about teaching when hired, but that they should be well-qualified in the subject matter area they are to teach. The four years of probation should provide time for them to develop their teaching aptitudes. The minimum qualifications for hire, the Task Force felt, should focus on subject expertise, (although local hiring processes might also weigh teaching background), and the tenure evaluation should focus on successful teaching.

Next Steps

Unfinished Business

The Task Force was unable to complete its work on a number of sensitive or complex issues before turning in its preliminary report April 1. At its April 23 meeting, the group decided to ask the Chancellor's Office for additional resources to briefly retain two attorneys (to bring in both management and labor viewpoints) and schedule several additional meetings through June 30 in order to complete its recommendations in a way that will create confidence in all the constituent groups. Task Force Chair Cy Gulassa listed the following matters that need to be addressed. Some of them require legal expertise and some require further negotiations among the Task Force members themselves. Several of these matters are the same concerns that the credentials advisory committee and Chancellor's staff cited in 1980 when they concluded that the credential system should be left intact (see *Historical Background*).

1) Definition of "faculty" for collective bargaining purposes.

2) Legal definition of bargaining units.

3) Process for dismissal-for-cause and for reduction-in-force that includes a delineation of "bumping rights."

4) Analysis of the possible legal effect of faculty assuming greater management responsibility on their right to bargain collectively (the "Yeshiva effect").

5) Guidelines for teaching service areas, and for moving from one area to another.

6) Statewide minimum qualifications for managers in areas other than instruction and student services.

7) Statewide minimum qualifications for specialized faculty (e.g. handicapped student programs and services).

8) Definition of "proficiency in English" to avoid discrimination against persons with accents.

9) Definition of "affirmative" in the phrase "tenure must be an affirmative act" so as not to deny redress for procedural errors.

10) Definition of the term "concurrence" where "concurrence of the faculty" is required.

As of the preparation of this item, the Chancellor's Office was exploring the possibilities for obtaining all or some of the additional resources the Task Force has requested.

Implications for the Board of Governors and the Field

Most of the workload and cost implications of the Task Force recommendations for the Board and for the field would apply equally under the Berman-Weiler recommendations. One notable exception is the expansion and addition of new functions to the Affirmative Action program in the Chancellor's Office, a recommendation in the Task Force report which is not made by Berman-Weiler. On the other hand, the Berman-Weiler report clearly contemplates state-level costs for the operation of PSAC, for collecting and processing accountability data, and for making numerous reports to the Legislature, which would not be incurred under the Task Force's plan. It also appears the Berman-Weiler recommendations would create additional workload and costs to districts to supply documentation and accountability data. However, there could perhaps be savings for districts associated with Berman-Weiler's nontenure track positions.

Under the Berman-Weiler recommendations, the Task Force recommendations and the amended language of AB 1725, the Board of Governors would have to perform a number of tasks by July 1, 1988. Legal staff would have to rewrite, and the Board readopt, the entire Division 3 of the Board's Administrative Code, Title 5, regulations, which define current credentials practices. Legal staff would also have to review and propose changes to other sections scattered throughout Title 5 which refer to "certificated employees."

The Board and staff would be specifically responsible for adopting a taxonomy of instructional disciplines to replace the present 76 subject matter designations for the Instructor Credential. It would be necessary to specify "reasonably related" disciplines for purposes of the minimum qualifications, and to map the present credential specialties to the new taxonomy.

In doing all this, the Board would be required, under the Task Force recommendations, to confer with the statewide Academic Senate, which in turn would be required to incorporate into its recommendations the advice of other statewide representative organizations. Under the Berman-Weiler recommendations, the Board would be required to utilize the PSAC for advice.

In addition, the Task Force is recommending that the Chancellor's Office identify the needed statutory changes throughout the Education Code to accommodate the discontinuance of credentials. Toward this project, the existing work on the "Education Code Review" would be of tremendous help, even though that review was not undertaken with such a specific purpose in mind.

The Task Force also recommends that the Board of Governors study, or contract for the study of, the "fitness tests" for community college employment in the Education Code. Included are such requirements as freedom from disease or deformity, certificate of tuberculosis clearance, clear criminal and military records, loyalty oath, etc. (Berman-Weiler made no recommendations regarding changing or scrutinizing these requirements.)

All of these tasks, under either set of recommendations, would create very substantial workload for the Board and Chancellor's Office staff, primarily the Legal Office. Not only would the Legal Office need additional resources, but the agency would need to secure personnel to develop the policies and perform the continuing staff work associated with its new responsibilities. A Budget Change Proposal for such an administrator was originally submitted for the 1986-87 fiscal year, but was denied, and was not resubmitted for 1987-88. With the vastly increased workload resulting from a mandate to establish and monitor minimum qualifications, this BCP would have to be revived and expanded for 1988-89.

The Chancellor's Office Personnel Unit would have to work with present employees of the Credentials Unit to arrange transfers and mitigate the effects of the function's termination on employees as much as possible.

Potentially, the greatest impact on the Chancellor's Office could come from the Task Force's recommendation for a major expansion of the affirmative action operation. The affirmative action unit in the Chancellor's Office presently performs mainly an administrative monitoring function. The only recruitment effort is a small job announcements newsletter, and the unit does not become involved in districts' actual hiring procedures. The Task Force proposes a nationwide affirmative action faculty recruitment program, the provision of direct assistance to districts in regard to ensuring that their job specifications are appropriate from the affirmative action perspective, and closer tracking of districts' affirmative action efforts. To accomplish these goals would require several new staff members in the Chancellor's Office and substantial resources for advertising. The Task Force report specifically recommends that "the Board of Governors should be provided with the resources" needed for the expanded affirmative action effort.

In addition to workload for the Chancellor's Office, both the Task Force and Berman-Weiler recommendations create implications for districts and colleges. The heightened involvement of faculty members in hiring, evaluation, and tenure decisions would require training and release time. Training would have to be held, especially for faculty union officials and academic senate officers, but also for all tenured faculty, in the new minimum qualifications and the new collegial processes, and in affirmative action practices. Tenured faculty would have to be encouraged toward the necessary level of involvement by receiving compensating time for the substantial commitments needed to make the new system work. The Task Force, in transmitting its preliminary report to the Legislature, took note of this need:

True self-governance and collaborative decision-making require dedicated participation, hard work, and time. To make this new system work, resources must be provided to enable local colleges to adjust their operations and support the amount of assigned time and workload changes needed to yield good results. Only with adequate funding, therefore, will the proposed reforms in hiring, evaluation, and retention take root and achieve the end for which they were designed -- to provide California's community college students with opportunities for social, economic, and intellectual fulfillment through outstanding programs and instruction.

APPENDIX A

TASK FORCE ON FACULTY AND ADMINISTRATOR QUALIFICATIONS, PEER REVIEW, HIRING AND RETENTION

Mr. Ed Bush, Vice Chair
Dean of Personnel Services
Long Beach City College
Chair, Personnel Commission of the Association of Community College Administrators (ACCCA)

Dr. Lois A. Callahan
President, College of San Mateo
President, California Association of Community Colleges
also represents Chief Executive Officers

Dr. Raul Cardoza
Vice President, Academic Affairs
East Los Angeles College

Mr. W. C. Dixon, Jr.
Instructor, Solano College
Vice President, Community College Association/California Teacher's Association

Dr. Mark Edelstein
Instructor, Palomar College
President, Academic Senate of the California Community Colleges

Dr. Bernadine C. Fong
Dean of Instruction
Foothill College

Mr. Robert Gabriner
Instructor, Peralta District
President, Community College Council, California Federation of Teachers

Mr. Cy Gulassa, Chair
Instructor, DeAnza College
President, Faculty Association of California Community Colleges

Ms. Roberta Mason
Trustee
Lake Tahoe Community College District
represents California Community College Trustees

Mr. David Rubiales
Instructor, Yuba College
President, Community College Association/California Teacher's Association

Ms. Patricia Siever
President, District Academic Senate
Los Angeles Community College District

ERIC Clearinghouse for Junior Colleges
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